

April 28, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services file no. **L02VA003**

BRAD AND CORY JOHNSON

Variance Appeal

Location: 134XX 486th Avenue Southeast, North Bend

Appellant: Brad and Cory Johnson, *represented by*
Eric Stahlfeld, Attorney
145 SW 155th St., #101
Seattle, Washington 98166
Telephone: (206) 248-8016
Facsimile: (206) 248-3803
Email: stahlfelde@aol.com

King County: Department of Development and Environmental Services, *represented by*
Sherie Sabour
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7112
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Decision:

Complete application:

EXAMINER PROCEEDINGS:

Hearing Opened:

February 27, 2003

Hearing Closed:

April 10, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1.

CONCLUSIONS:

DECISION:

ORDER:

In addition to the conditions of short subdivision approval indicated in exhibit no. 1, the following condition of final short plat approval also shall apply:

ORDERED this 28th day of April.

T. T. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of April, to the parties and interested persons of record:

Bertrand Auger
PO Box 352
North Bend WA 98045

Larry Bernstad
P.O. Box 215
Enumclaw WA 98022

Joseph Crecca
P.O. Box 2296
North Bend WA 98045

John R. Day
13130 475th Ave. SE
North Bend WA 98045

Brad & Cory Johnson
5521 Brooklyn Ave. NE
Seattle WA 98105

Greg Laos
4131 178th Lane SE, #5
Bellevue WA 98008

Richelle Rose
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

Keith Scheunemann
1244 SE 26th Pl.
Bellevue WA 98005

Eric Stahlfeld
Attorney at Law
145 SW 155th St., #101
Seattle WA 98166

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Laura Casey
DDES/LUSD
Wetland Review
MS OAK-DE-0100

Don Finney
DDES/LUSD
Site Development Svcs
MS OAK-DE-0100

Shirley Goll
DDES/LUSD
Current Planning
MS OAK-DE-0100

Cass Newell
KC-P A O
Civil Division
MS KCC-PA-0554

Sherie Sabour
DDES/LUSD
Current Planning
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision.

MINUTES OF THE FEBRUARY 27, MARCH 31 AND APRIL 7, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02VA003

T. T. Titus was the Hearing Examiner in this matter. Participating in the hearing were Sherie Sabour, Randy Sandin, Cass Newell, Laura Casey, Don Finney, Richelle Rose and Bruce Whittaker, representing the Department; Eric Stahlfeld, representing the Appellant; Cory Johnson, Larry Bernstad and Keith Scheunemann.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File No. L01VA003, *Not Admitted Into the Record*
- Exhibit No. 2 DDES Variance Report and Decision dated September 30, 2002
- Exhibit No. 3 Sensitive Areas Report dated February 25, 2002 prepared by Watershed Dynamics, Inc.
- Exhibit No. 4 Excerpt from an Ecosystem Approach to Salmonid Conservation dated December, 1996; prepared by Brian C. Spence, et al., Management Technology, Pages 51-55
- Exhibit No. 5 Excerpt from Snohomish River Basin Salmonid Habitat Conditions Review dated September 2002 prepared by Snohomish Basin Salmonid Recovery Technical Committee, pages 1-23, 97-100 and 154-165
- Exhibit No. 6 Excerpt from Middle Fork Snoqualmie River Watershed Analysis dated February 19, 1998, prepared by Mt. Baker-Snoqualmie National Forest North Bend Ranger District, pages A-1, 3-81, 3-85 and 4-15
- Exhibit No. 7 Excerpt from Salmonid Habitat Limiting Factors Analysis for Snohomish River Watershed Water resource Inventory Area 7 Final Report dated December 2002, Prepared by Washington State Conservation Commission, Donald Haring, Pages 3, 198-202
- Exhibit No. 8 Laura C. Casey Statement of Qualifications
- Exhibit No. 9 Donald E. Finney Statement of Qualifications
- Exhibit No. 10 Site Plan Showing Two Alternate Locations A & B
- Exhibit No. 11 Applicant Request Showing Location C

Exhibit No. 12 Declaration of Covenants, Conditions and Restrictions For Snoqualmie Riverfront Estates

Exhibit No. 13 Site Plan for a 5' Square Grid done by (excerpt from Cory Johnson)

Exhibit No. 14 Aerial Photograph

Exhibit No. 15 Photographs of the Site (#'s 9-11 missing)

Exhibit No. 16 Letter from Bertrand Auger to Hearing Examiner dated February 26, 2003

Exhibit No. 17 Copy of map and photographs from DDES file

Exhibit No. 18 Letter to Hearing Examiner from Bertrand Auger dated November 29, 2002

Exhibit No. 19 Letter to Hearing Examiner from Bertrand Auger dated December 5, 2002

Exhibit No. 20 Map of the Plat Produced by Residential Design Services

The following exhibits were offered and entered into the record at the March 31, 2003 hearing:

Exhibit No. 21 Map of Location B Buffer Averaging

Exhibit No. 22 Map of Location C Buffer Averaging

Exhibit No. 23 Conceptual Drawing by Larry Bernstad

Exhibit No. 24 Report and Decision on DDES File No. L91VA087/Joseph Crecca

Exhibit No. 25 Assessor's Map

Exhibit No. 26 Letter to Keith Scheunemann from Paul Meyer regarding Case no. E9901457 dated May 4, 2000

Exhibit No. 27 Letter to Keith Scheunemann from Richelle Rose regarding Case No. E9901457 Dated January 22, 2003 *Not Admitted into the Record*

Exhibit No. 28 Declaration of Covenant for Short Plat – Snoqualmie Riverfront Estates

Exhibit No. 29 Letter to Sherie Sabour from Eric R. Stahlfeld dated January 22, 2003

Exhibit No. 30 Memo to R.S. Titus from Sherie Sabour dated January 28, 2003

Exhibit No. 31 Statement of Appeal

Exhibit No. 32 Applicant's Justification for Variance

Exhibit No. 33 Elevation of the Structure

Exhibit No. 34 Report to the Hearing Examiner from DDES

Exhibit No. 35 Request to View Property & Email to Sherie Sabour, Laura Casey and Don Finney From Richelle Rose dated March 26, 2003

Exhibit No. 36 Printout from Permits Plus

Exhibit No. 37a Site Drawing (Guide to 37b)

Exhibit No. 37b Photographs

Exhibit No. 38 GIS Photograph

Exhibit No. 39 1992 Walker & Associates Aerial Photograph

Exhibit No. 40 1990 Walker & Associates Aerial Photograph

The following exhibits were entered into the record at the April 7, 2003 hearing:

- Exhibit No. 41 Letter to Sherie Sabour from John R. Day dated June 21, 2002
- Exhibit No. 42 Comments taken from the Pre-Application A02P0029 filed by the Johnsons
- Exhibit No. 43 On-Site Sewage Disposal Design prepared by D.R. Strong
- Exhibit No. 44 Memo to Sherie Sabour from Laura Casey dated June 13, 2002 Addressing
Applicant's Proposal for Buffer Averaging
- Exhibit No. 45 Nine Photographs taken of the Riverbank Area and River at the Edge dated
January 9, 2003
- Exhibit No. 46 Aerial Photographs taken October 13, 1989